REMARKS

Claims 1-23 were pending in this application.

Claims 1-23 have been rejected.

No claims have been amended.

Claims 1-23 remain pending in this application.

Reconsideration and full allowance of Claims 1-23 are respectfully requested.

I. REJECTION UNDER 35 U.S.C. § 103

The Office Action rejects Claims 1-23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,260,157 to Schurecht et al. ("*Schurecht*") in view of U.S. Patent No. 4,530,051 to Johnson et al. ("*Johnson*"). This rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. (*MPEP § 2142; In re Fritch, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992)*). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. (*MPEP § 2142; In re Oetiker, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); In re Piasecki, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984)*). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. (*MPEP § 2142; In re Oetiker, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993)*). If the Patent Office does not produce a *prima facie* case of unpatentability,

then without more the applicant is entitled to grant of a patent. (*In re Oetiker, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); In re Grabiak, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985)*).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. (*In re Bell, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993)*). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. (*MPEP § 2142*).

Claims 1, 9, and 17 recite that a "multitasking control program" includes a "main routine" and a "plurality of subroutines sequentially callable by [the] main routine." Claims 1, 9, and 17 also recite transferring "program execution control" from the main routine to a "first subroutine" and "sequentially transferring" program execution control from the main routine to "each remaining subroutine" before program execution control is again transferred from the main routine to the first subroutine.

The Office Action cites column 4, lines 43-45 of *Schurecht* as anticipating a "multitasking control program" includes a "main routine" and a "plurality of subroutines

sequentially callable by [the] main routine" as recited in Claims 1, 9, and 17. However, the cited portion of *Schurecht* simply recites that a processor 30 retrieves instructions from a ROM 45 and executes the instructions sequentially. This simply means that the processor 30 executes sequential instructions. This portion of *Schurecht* says absolutely nothing about a program being formed from a "main routine" and a "plurality of subroutines." In particular, this portion of *Schurecht* lacks any mention that multiple "subroutines" are "sequentially callable" by a "main routine" as recited in Claims 1, 9, and 17. Column 4, lines 45-54 describe how these instructions may include jump instructions. Again, this portion of *Schurecht* lacks any mention of different "subroutines" that are "sequentially callable" by a "main routine" as recited in Claims 1, 9, and 17.

The Office Action relies on various portions of *Johnson* as anticipating the transfer of "program execution control" from a "main routine" to a "first subroutine" and the sequential transfer of "program execution control" from the "main routine" to "each remaining subroutine" as recited in Claims 1, 9, and 17. However, the cited portions of *Johnson* simply refer to one process invoking another process, where the invoking process may pause to allow the invoked process to complete. The cited portions of *Johnson* lack any mention of "sequentially transferring" program execution control from a main routine to a first subroutine and then to each remaining subroutine, followed by transferring program execution control back to the first subroutine as recited in Claims 1, 9, and 17.

For these reasons, the proposed *Schurecht-Johnson* combination fails to disclose, teach, or suggest all elements of Claims 1, 9, and 17 (and their dependent claims). Accordingly, the

Applicants respectfully request withdrawal of the § 103 rejection and full allowance of Claims 1-23.

II. CONCLUSION

The Applicants respectfully assert that all pending claims in this application are in condition for allowance and respectfully request full allowance of the claims.

SUMMARY

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any fees connected with this communication (including any extension of time fees) or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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